

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKBOARD OF TRUSTEES OF THE UFCW
LOCAL 174 PENSION FUND,

Plaintiff,

v.

PREMIER VEAL, INC.,

Defendant.

07 Civ. 7104 (GBD)

**DECLARATION OF KEVIN J. PFLUG
IN SUPPORT OF PLAINTIFF'S
MOTION FOR JUDGMENT BY
DEFAULT AGAINST DEFENDANT
PREMIER VEAL, INC.****Document Electronically Filed**

I, Kevin J. Pflug, hereby declare pursuant to 28 U.S.C. § 1746, under penalty of perjury that the following is true and correct:

1. I am an attorney at law admitted to practice before this Court.
2. I am associated with the law firm of Proskauer Rose LLP, attorneys for Plaintiff, Board of Trustees of the UFCW Local 174 Pension Fund ("Plaintiff") and I am fully familiar with the facts of this case.
3. This declaration is made in support of Plaintiff's Motion for Judgment by Default against Defendant Premier Veal, Inc. ("Premier Veal" or "Defendant"), and in support of Plaintiff's application for costs and attorneys fees.
4. This action was commenced by the filing of a summons and complaint in this Court on August 9, 2007. Copies of the summons and complaint are attached hereto as Exhibit A.

5. On August 16, 2007, Jessica Miller served true copies of the summons and complaint upon Defendant Premier Veal by personal service on Donna Christie, an agent of the Secretary of State of the State of New York, and paid the statutory \$40.00 fee, pursuant to section 306 of the Business Corporation Law of the State of New York. Ms. Miller's Affidavit of Service was filed with the Court on August 21, 2007. A copy of Ms. Miller's Affidavit is attached hereto as Exhibit B.

6. Defendant Premier Veal, a New York Corporation, has failed to answer, appear or otherwise defend in this action within the time period permitted by law.

7. On October 10, 2007 the Clerk of the United States District Court for the Southern District of New York issued a Clerk's Certificate of Default of Defendant Premier Veal. A copy of the Clerk's Certificate of Default is attached hereto as Exhibit C.

8. The amounts set forth in the Statement of Damages attached hereto as Exhibit D remain justly due and owing and no part thereof has been paid to Plaintiff.

9. Each billing entry on the attached time records was reviewed on a monthly basis before being submitted to Plaintiff to determine that the time charges were accurate, reasonable and necessarily incurred in this action against Premier Veal. A true and correct copy of the time records for this matter are attached hereto as Exhibit E.

10. As set forth in the proposed Judgment by Default attached hereto as Exhibit E, Plaintiff seeks a \$2,687,975.18 judgment against Premier Veal computed as follows: a) \$2,611,300.00 for withdrawal liability, b) \$70,260.18 for accrued interest, c) \$350.00 for costs, and d) \$6,065.00 for attorneys' fees.

WHEREFORE, Plaintiff respectfully requests this Court to enter judgment in their favor against Premier Veal in the amount of \$2,687,975.18 for withdrawal liability, interest, costs and attorneys' fees.



Kevin J. Pflug

Dated: February 26, 2008